



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
219 SOUTH DEARBORN STREET
CHICAGO, ILLINOIS 60604

THOMAS G. BRUTON
CLERK

312-435-6860

August 24, 2021

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In re: Deutsche Bank National Trust Company v. Lupa et al., Case No. 12 CV 3648

Dear Counsel:

It has been brought to my attention that Judge James Zagel, who presided over the above-mentioned case and is now retired, may have owned stock in Bank of America. We have no reason to believe that his ownership of stock affected or impacted his decisions in this case. However, his stock ownership would have required recusal under the Code of Conduct for United States Judges, and thus, I notify the parties of the conflict.

Advisory Opinion 71, from the Judicial Conference Codes of Conduct Committee, provides the following guidance for addressing disqualification that is not discovered until after a judge has participated in a case:

[A] judge should disclose to the parties the facts bearing on disqualification as soon as those facts are learned, even though that may occur after entry of the decision. The parties may then determine what relief they may seek, and a court (without the disqualified judge) will decide the legal consequence, if any, arising from the participation of the disqualified judge in the entered decision. Although Advisory Opinion 71 contemplated disqualification after a Court of Appeals oral argument, the Committee explained “[s]imilar considerations would apply when a judgment was entered in a district court by a judge and it is later learned that the judge was disqualified.”

With Advisory Opinion 71 in mind, you are invited to respond to this disclosure of a conflict in this case. Should you wish to respond, please submit your response on or before August 31, 2021. Any response will be considered by another judge of this court without the participation of Judge Zagel.

Sincerely,

A handwritten signature in black ink that reads "Thomas G. Bruton". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent. Below the signature, the words "Clerk of Court" are printed in a standard font.

Clerk of Court